

Congress of the United States
Washington, DC 20515

May 23, 2008

Dear Governor Schwarzenegger:

We are in receipt of your letter of April 23, 2008 to the President regarding whether motor vehicle fuel economy shall continue to be set solely by Congress, or whether the states shall be allowed to set their own individual standards. While we strongly support mutual goals of a clean, healthful environment, we write to you to express our opposition to the views expressed in your letter and to assert that the United States needs a nationwide approach to regulating fuel economy.

As you know, only an act of Congress can preempt state legislation. In this instance, we note that the Energy Policy and Conservation Act of 1975 preempts states from adopting or enforcing “a law or regulation related to fuel economy standards”.

State regulation of carbon dioxide tailpipe emissions is “related to” fuel economy. There is a direct and strong mathematical relationship between the amount of carbon dioxide emitted from a motor vehicle and the amount of fuel consumed. This relationship is in fact so close that the method of determining the fuel economy of a vehicle for CAFE compliance is based on the amount of carbon a motor vehicle emits.

Moreover, the California Air Resources Board (CARB) apparently concedes that a motor vehicle greenhouse gas emission standard is a de facto fuel economy standard. A February 25 release from this agency removes all pretense that its greenhouse gas regulation is not “related to” fuel economy by comparing CARB’s fuel economy level in miles per gallon with the fuel economy level set by Congress.

Additionally, we were surprised at your statement that “States are taking this action due to the utter failure of our federal government to respond to [global warming].” You should be aware that the fuel economy provisions in the Energy Independence and Security Act are projected to prevent a half a billion metric tons of carbon dioxide from being emitted from motor vehicles. This law was enacted on December 19, 2007. Moreover, this figure is just the beginning; additional carbon dioxide savings will be realized as this law is further implemented.

Global warming is by definition, global, and requires a national solution rather than a state by state piecemeal approach. In the case of global warming and fuel economy requirements, the appropriate regulator is the federal government and the appropriate forum is the United States Congress. The Congress represents the interests of the citizens of all of our states, including the 23 states where motor vehicle manufacturing occurs, and the 50 states within which, and between which, these vehicles are used.

The fuel economy provisions of the Energy Independence and Security Act (EISA), which was largely drafted by our own California Senator Dianne Feinstein, was the result of extensive deliberation and debate by the Congress and represents a careful balancing of important, and often conflicting, national interests, including the need to reduce petroleum consumption and greenhouse gas emissions, the preservation of American jobs in automobile manufacturing, vehicle safety, and consumer choice.

Such a federal process, in contrast to a state by state approach, allows all of the interests affected to participate. We urge you to let the federal standard work.

Sincerely,

Jim Campbell

Wally Harger

Devin Nunes

Buck McKeon

John T. Doolittle

Ken McClintock

George Papanicolaou

Ed Royce

Uma Tuli

Ed Royce

By the way

[Signature]

Dana Rohrabacher

May 23, 2008
Letter Governor Schwarzenegger
Signers

The Honorable John Campbell (CA-48)
The Honorable John Doolittle (CA-04)
The Honorable Wally Herger (CA- 02)
The Honorable Kevin McCarthy (CA-22)
The Honorable Devin Nunes (CA-21)
The Honorable George Radanovich (CA-19)
The Honorable Howard "Buck" McKeon (CA-25)
The Honorable Elton Gallegly (CA-24)
The Honorable Duncan Hunter (CA-52)
The Honorable Edward Royce (CA-40)
The Honorable Gary Miller (CA-42)
The Honorable Darrell Issa (CA-49)
The Honorable Dana Rohrabacher (CA-46)

CC: President George W. Bush